IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 38753 of 2003(L)

PETITIONER:

V.K.JOSE. S/O. KURIAKOSE,
VAYALIKKUDIYIL, MEKKADAMPU, MOOVATTUPUZHA.

BY ADV. SRI.A.VIJAYAKUMAR

RESPONDENTS:

----

1. **STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE CHIEF ENGINEER, IRRIGATION & ADMINISTRATION, THIRUVANANTHAPURAM.**

3. **EXECUTIVE ENGINEER, ADDITIONAL IRRIGATION DIVISION, THRISSUR.**

4. **THE SUPERINTENDENT ENGINEER, PWD (R&B) CENTRAL CIRCLE, ALUVA.**

BY GOVERNMENT PLEADER SMT.R.BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.38753 OF 2003-L

Judgment

The petitioner is a contractor, who was awarded the work of repairing the damaged sea wall for about 100 metres at Chavakkad in Kadappuram panchayat. There was a vigilance enquiry into the execution of the said work. It appears, there was a report adverse to the petitioner and the officials of the Irrigation Department. The petitioner was served with Ext.P3 notice dated 06.11.2002, proposing to blacklist him and to cancel his registration as contractor. He submitted Ext.P4 reply to it on 20.11.2002. All the documents including the explanation of the petitioner contractor, have been forwarded by the Superintending Engineer, Thrissur to the Chief Engineer, the 2nd respondent herein. The said respondent has, by his letter dated 22.10.2003, instructed the Superintending Engineer to blacklist the petitioner. This is evident from Ext.P5 communication dated 10.11.2003 addressed by the Superintending Engineer, Irrigation Central Circle to the 4th respondent. This Writ Petition is filed, challenging Ext.P3 notice and Ext.P5 letter. The petitioner submits, similarly placed contractors, who were also accused along with him were were relieved of blame. He also submits that the officials of the Irrigation Department involved in the enquiry were also exonerated. So, he prays for a direction to the respondents to exonerate him also.

2. I heard the learned Government Pleader appearing for the respondents also. The second respondent is directed to take a fresh decision on the question of blacklisting the petitioner within two months from the date of receipt of a copy of this Judgment. The second respondent shall afford an opportunity of being heard to the petitioner before final orders are passed as directed above.

The Writ Petition is disposed of as above.

22.01.2007 **K.BALAKRISHNAN NAIR,JUDGE**

sta